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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 SAN JOSE DIVISION *E-FILED - 1/18/07*

20 COMERICA BANK, a Michigan banking
21 corporation,

22 Plaintiff,

23 v.

24 MICHAEL L. McDONALD and ALAN P.
McDONALD,

25 Defendants.

27 AND RELATED CROSS-ACTION.

Case No. C 06-03735 RMW (RS)

The Hon. Ronald M. Whyte

**STIPULATION AND
ORDER TO EXTEND TIME TO FILE
RESPONSIVE PLEADING AND TO
HEAR MOTION TO DISMISS AND
STATUS CONFERENCE**

Date: February 16, 2007

Time: 9:00 a.m.

Crtrm.: 6

[Complaint Filed: June 12, 2006]

1 Plaintiff and Counter-Defendant Comerica Bank ("Plaintiff") and Defendants
2 and Counterclaimants Michael L. McDonald and Alan P. McDonald ("Defendants")
3 hereby stipulate and request a court order as follows:

4 Defendants filed their First Amended Counterclaim on December 14, 2006.

5 Plaintiff intends to file a motion to dismiss the First Amended Counterclaim.

6 A status conference in this matter is currently scheduled to take place on
7 February 16, 2007, at 10:30 a.m.

8 Defendants have agreed to extend the time for Plaintiff to file its motion to
9 dismiss to January 12, 2007, and to the following briefing and hearing schedule:

- 10 (1) opening brief due: January 12, 2007
11 (2) opposition brief due: January 26, 2007
12 (3) reply brief due: February 2, 2007
13 (4) hearing: February 16, 2007, at 9:00 a.m.

14 The parties request that Plaintiff's motion to dismiss be set for hearing on
15 February 16, 2007, at 9:00 a.m., and that the status conference be moved to 10:30 a.m., so
16 that it may take place at the same time as the hearing on Plaintiff's motion to dismiss.

17 Dated: December 27, 2006

18 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

19
20 By /s/ David A. DeGroot
21 Attorneys for Plaintiff and Counter-defendant
22 COMERICA BANK

23 Dated: December 27, 2006

24 KELLY, HERLIHY, & KLEIN, L.L.P.

25 By /s/ Michael G. Glanzberg
26 Attorneys for Defendants and Counterclaimants
27 MICHAEL L. McDONALD
28 and ALAN P. McDONALD

[] ORDER

For good cause shown, the stipulated request to hear Plaintiff's anticipated motion to dismiss and the status conference currently scheduled for February 16, 2007, at 10:30 a.m., is granted. Plaintiff's motion to dismiss and the case management conference shall be heard on February 16, 2007, at 9:00 a.m.

Dated: 1/18/07

Ronald M. Whyte

The Honorable Ronald M. Whyte
United States District Judge